

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CIVIL CASE NO. 1:13-cv-00053-MR-DLH**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
)	
JAMES E. MacALPINE,)	
)	
Defendant.)	
_____)	

THIS MATTER is before the Court on the Defendant’s “Motion to Accept Over Length Opposition to Summary Judgment and a Motion to Dismiss with Prejudice” [Doc. 11] and the Defendant’s “Objection to Summary Judgment and a Motion to Dismiss with Prejudice” [Doc. 12].

The Defendant, who is proceeding in this matter *pro se*, seeks leave to file a brief in excess of the 25-page limit set forth in the Pretrial Order and Case Management Plan. [Doc. 11].

The brief filed in support of the Government’s Motion for Summary Judgment is five pages long and addresses only one issue, i.e., whether the Government is entitled to a judgment as a matter of law on its tax

assessments against the Defendant. The Defendant has filed a 58-page brief in opposition to the Government's Motion. [Doc. 12]. Included in the Defendant's response is a motion to dismiss the Government's Complaint on grounds not addressed in the Government's Motion. [Id.].

Local Civil Rule 7.1(C)(2) prohibits the inclusion of motions within responsive briefs and requires each motion to be set forth in a separate pleading. The Defendant's proposed brief does not comply with this Rule. Accordingly, the Defendant's brief will be stricken, and he will be required to file a new brief which complies with the limitations set forth in the Pretrial Order and Case Management Plan and the Court's Local Rules.

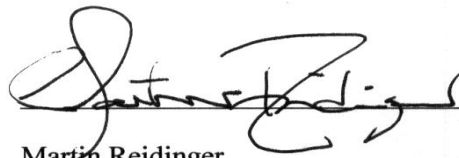
IT IS, THEREFORE, ORDERED as follows:

- (1) The Defendant's "Motion to Accept Over Length Opposition to Summary Judgment and a Motion to Dismiss with Prejudice" is **DENIED**;
- (2) The Defendant's "Objection to Summary Judgment and a Motion to Dismiss with Prejudice" [Doc. 12] is **STRICKEN** as being in violation of the 25-page limit and Local Civil Rule 7.1(C)(2); and

- (3) The Defendant shall have fourteen (14) days from the entry of this Order to file a brief in response to the Government's Motion for Summary Judgment that does not exceed 25 pages in length. Such brief shall not include any motions. As required by the Pretrial Order and Case Management Plan, such brief shall be double-spaced and in at least 14 point type.

IT IS SO ORDERED.

Signed: November 1, 2013


Martin Reidinger
United States District Judge

